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PATENT

REMARKS

Applicant respectfully requests reconsideration of the application.

In the final Action, claims 84-95 were indicated to be directed to an invention that is independent or distinct from the invention originally claimed. These claims are withdrawn from consideration.

Claims 1-83 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 6,199,048 to Hudetz ("Hudetz") over U.S. Patent No. 5,754,981 to Veeneman et al. ("Veeneman").

Applicant respectfully traverses this rejection on the basis that the 102(e) date of Hudetz does not carry back to June 20, 1995. As set forth in MPEP 2136.03, Section IV, "In order to carry back the 35 U.S.C. 102(e) critical date of the U.S. patent reference to the filing date of a parent application, the U.S. patent reference must have a right of priority to the earlier date under 35 U.S.C. 120 or 365(c) and the parent application must support the invention claimed as required by 35 U.S.C. 112, first paragraph." In this instance, the provisional application filed June 20, 1995, is the parent application of Hudetz, the U.S. patent reference, yet this parent application does not provide the support required by 35 U.S.C. 112, first paragraph for the claims of the Hudetz patent as the Examiner has stated in section 4, page 4 of the final rejection ("Hudetz does not teach using an index database...." Therefore, the rejection based on Hudetz must be withdrawn.

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In addition, as noted for claim 7 (and by extension claims 37 and 67), "Hudetz does not explicitly teach encoding the index with an audible signal." The Office refers to audible signals as conventional data carriers in the context of this claim, yet there is no suggestion in the cited art that modulating an index or other like data on an audible signal is conventional. These claims, therefore, are patentable over the combination of Hudetz and Veeneman."

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Respectfully submitted,

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